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**STATE OF IOWA**

# **Senate Journal**

**WEDNESDAY, APRIL 11, 2018**

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# JOURNAL OF THE SENATE

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NINETY-FOURTH CALENDAR DAY  
FIFTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 11, 2018

The Senate met in regular session at 10:04 a.m., President Schneider presiding.

Prayer was offered by the Honorable Dan Zumbach, member of the Senate from Delaware County, Ryan, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maddie Smith.

The Journal of Tuesday, April 10, 2018, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2018, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2277](#), a bill for an act relating to the inspection and examination of certain public records under the custody of the state archivist or a county registrar.

ALSO: That the House has on April 10, 2018, **amended** the Senate amendment, **concurred** in the Senate amendment **as amended, and passed** the following bill in which the concurrence of the Senate is asked:

[House File 2442](#), a bill for an act providing for brain injury policies for certain extracurricular interscholastic activities, and including applicability provisions. ([S-5235](#))

ALSO: That the House has on April 10, 2018, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2481](#), a bill for an act relating to school funding by modifying provisions relating to the collection of sales tax for deposit in the secure an advanced vision for education fund, provisions relating to the use of tax revenue from the secure an advanced vision for education fund, and provisions relating to the calculation of the additional property tax levy, and making appropriations.

Read first time and attached to **similar** [Senate File 2393](#).

#### RECESS

On motion of Senator Whitver, the Senate recessed at 10:12 a.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 10:15 a.m., President Schneider presiding.

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 115](#), a resolution for recognizing and congratulating University of Iowa Hawkeye wrestler Spencer Lee on his outstanding achievements in college wrestling.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

##### ALSO:

**Bill Title:** [SENATE RESOLUTION 116](#), a resolution for recognizing Graceland University and congratulating its men's basketball team for its outstanding 2017–2018 season, which it finished dramatically by winning the 2018 National Association of Intercollegiate Athletics 81st Annual Division I Men's Basketball Championship.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Resolutions 115 and 116.

### [Senate Resolution 115](#)

On motion of Senator Bowman, [Senate Resolution 115](#), a resolution for recognizing and congratulating University of Iowa Hawkeye wrestler Spencer Lee on his outstanding achievements in college wrestling, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved the adoption of [Senate Resolution 115](#), which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator Bowman introduced to the Senate chamber University of Iowa Head Wrestling Coach Tom Brands, Assistant Coach Ryan Morningstar, and the 2018 National Collegiate Athletic Association (NCAA) wrestling champion, Spencer Lee.

Spencer Lee addressed the Senate with brief remarks.

The Senate rose and expressed its congratulations.

### [Senate Resolution 116](#)

On motion of Senator Sinclair, [Senate Resolution 116](#), a resolution for recognizing Graceland University and congratulating its men's basketball team for its outstanding 2017–2018 season, which it finished dramatically by winning the 2018 National Association of Intercollegiate Athletics 81st Annual Division I Men's Basketball Championship, with report of committee recommending passage, was taken up for consideration.

Senator Sinclair moved the adoption of [Senate Resolution 116](#), which motion prevailed by a voice vote.

#### SPECIAL GUESTS

Senator Sinclair introduced to the Senate chamber Graceland University Men's basketball team, winners of the 2018 National Association of Intercollegiate Athletics 81<sup>st</sup> Annual Division I Men's Basketball championship. They were accompanied by Head Coach Craig Doty and President of Graceland College Patricia Draves.

The Senate rose and expressed its congratulations.

The Senate stood at ease at 10:31 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:24 p.m., President Schneider presiding.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2018, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2389](#), a bill for an act authorizing the department of natural resources to establish certain fees at state parks and recreation areas.

ALSO: That the House has on April 11, 2018, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2258](#), a bill for an act relating to the uses of remitted sales tax revenue and moneys from the flood mitigation fund under the flood mitigation program and including applicability provisions.

ALSO: That the House has on April 11, 2018, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

**Senate Joint Resolution 2006**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession. (**S-5239**)

#### RECESS

On motion of Senator Whitver, the Senate recessed at 12:25 p.m. until 1:30 p.m.

#### RECONVENED

The Senate reconvened at 1:40 p.m., President Schneider presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zumbach, until he returns, on request of Senator Whitver.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration **Senate File 2399**.

#### **Senate File 2399**

On motion of Senator Smith, **Senate File 2399**, a bill for an act exempting from the Iowa individual income tax the amount of income resulting from prize money and medals received from competition in the olympic or paralympic games, and including retroactive applicability provisions, was taken up for consideration.

Senator Quirmbach withdrew amendment **S-5230**, filed by him on April 5, 2018, to page 1 and amending the title page of the bill.

Senator Quirmbach offered amendment [S-5231](#), filed by him on April 5, 2018, to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5231](#) be adopted?” ([S.F. 2399](#)), the vote was:

Yeas, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Nays, 27:

Behn	Costello	Johnson, C.	Segebart
Bertrand	Dawson	Kapucian	Shipley
Breitbach	Edler	Kraayenbrink	Sinclair
Brown	Feenstra	Lofgren	Smith
Carlin	Garrett	Rozenboom	Whitver
Chapman	Greene	Schneider	Zaun
Chelgren	Guth	Schultz	

Absent, 1:

Zumbach

Vacant, 1.

Amendment [S-5231](#) lost.

Senator Smith moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2399](#)), the vote was:

Yeas, 42:

Allen	Danielson	Jochum	Schneider
Behn	Dawson	Johnson, C.	Schultz
Bertrand	Dotzler	Johnson, D.	Segebart
Boulton	Dvorsky	Kinney	Shipley

Bowman	Edler	Kraayenbrink	Sinclair
Breitbach	Feenstra	Lofgren	Smith
Brown	Garrett	Lykam	Taylor
Carlin	Greene	Mathis	Whitver
Chapman	Guth	Quirnbach	Zaun
Chelgren	Hart	Ragan	
Costello	Horn	Rozenboom	

Nays, 6:

Bisignano	Hogg	McCoy
Bolkcom	Kapucian	Petersen

Absent, 1:

Zumbach

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 2371](#).

[House File 2371](#)

On motion of Senator Lofgren, [House File 2371](#), a bill for an act exempting the state and municipalities from liability for claims involving honeybees on public property, placed on the Unfinished Business Calendar on March 22, 2018, with report of committee recommending passage, was taken up for consideration.

Senator Lofgren moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2371](#)), the vote was:

Yeas, 47:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bertrand	Dotzler	Johnson, D.	Schneider



Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shiple
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirnbach	

Nays, 1:

Bisignano

Absent, 1:

Zumbach

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 2404](#).

#### [Senate File 2404](#)

On motion of Senator C. Johnson, [Senate File 2404](#), a bill for an act concerning manufactured homes by creating a manufactured housing program fund and providing eligibility under the home ownership assistance program for military members for the purchase of manufactured homes, was taken up for consideration.

Senator C. Johnson asked and received unanimous consent that [House File 2480](#) be **substituted** for [Senate File 2404](#).

[House File 2480](#)

On motion of Senator C. Johnson, [House File 2480](#), a bill for an act concerning manufactured homes by creating a manufactured housing program fund and providing eligibility under the home ownership assistance program for military members for the purchase of manufactured homes, was taken up for consideration.

Senator Mathis offered amendment [S-5238](#), filed by her from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5238](#) be adopted?" ([H.F. 2480](#)), the vote was:

Yeas, 22:

Allen	Danielson	Horn	Petersen
Bisignano	Dotzler	Jochum	Quirmbach
Bolkcom	Dvorsky	Kinney	Ragan
Boulton	Greene	Lykam	Taylor
Bowman	Hart	Mathis	
Chelgren	Hogg	McCoy	

Nays, 26:

Behn	Dawson	Kapucian	Shiple
Bertrand	Edler	Kraayenbrink	Sinclair
Breitbach	Feenstra	Lofgren	Smith
Brown	Garrett	Rozenboom	Whitver
Carlin	Guth	Schneider	Zaun
Chapman	Johnson, C.	Schultz	
Costello	Johnson, D.	Segebart	

Absent, 1:

Zumbach

Vacant, 1.

Amendment [S-5238](#) lost.

Senator C. Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2480](#)), the vote was:

Yeas, 41:

Allen	Dawson	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bertrand	Dvorsky	Kinney	Shipley
Bisignano	Edler	Kraayenbrink	Sinclair
Bowman	Feenstra	Lofgren	Smith
Breitbach	Garrett	Lykam	Taylor
Brown	Greene	McCoy	Whitver
Carlin	Guth	Quirmbach	Zaun
Chapman	Hart	Ragan	
Costello	Horn	Rozenboom	
Danielson	Johnson, C.	Schneider	

Nays, 7:

Bolkcom	Chelgren	Jochum	Petersen
Boulton	Hogg	Mathis	

Absent, 1:

Zumbach

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator C. Johnson asked and received unanimous consent that [Senate File 2404](#) be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that [Senate File 2399](#) and **House Files 2371** and **2480** be **immediately messaged** to the House.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Whitver called up the following eligible appointees on the En Bloc Confirmation Calendar:

Rudolfo Reyes, Accountancy Examining Board

Dr. Ritu Gurung, Commission of Asian and Pacific Islander Affairs  
Karlai Thornburg, Commission of Asian and Pacific Islander Affairs

Michelle Yoshimura-Smith, Commission of Asian and Pacific Islander Affairs

Dr. Lisa Woodroffe, Board of Athletic Training

Jenny Phan, Iowa Autism Council

Anna Hilpipre, Commission on Community Action Agencies

Tammy Bramley, Criminal and Juvenile Justice Planning Advisory Council

Lori Elmitt, Board of Dentistry

Ronda Eick, Healthy and Well Kids in Iowa (HAWK-I) Board

Ben Snyder, Interior Design Examining Board

Emily Naylor, Landscape Architectural Examining Board

Peggy Rice, Mental Health Risk Pool Board

Charlean Schlepp, Board of Nursing Home Administrators

Edward McKenna, Board of Pharmacy

Rachel Judisch, Board of Physical and Occupational Therapy

Travis Carlson, Board of Podiatry

Carrie Duncan, Iowa Workforce Development Board  
John Krogman, Iowa Workforce Development Board  
Rich Kurtenbach, Iowa Workforce Development Board

Senator Whitver moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Allen	Costello	Horn	Quirmbach
Behn	Danielson	Jochum	Ragan
Bertrand	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider

Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	

Nays, 1:

Taylor

Absent, 1:

Zumbach

Vacant, 1.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Whitver called up the appointment of Stephen Larson as Administrator of Alcoholic Beverages Division, placed on the Individual Confirmation Calendar on March 28, 2018, found on page 816 of the Senate Journal.

Senator Smith moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Allen	Costello	Horn	Quirmbach
Behn	Danielson	Jochum	Ragan
Bertrand	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Whitver
Chapman	Hart	McCoy	Zaun
Chelgren	Hogg	Petersen	

Nays, 1:

Taylor

Absent, 1:

Zumbach

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Whitver called up the appointment of Katherine Asjes as a member of the Board of Medicine, placed on the Individual Confirmation Calendar on April 3, 2018, found on page 860 of the Senate Journal.

Senator Zaun moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 30:

Behn	Dawson	Johnson, D.	Segebart
Bertrand	Edler	Kapucian	Shipley
Breitbach	Feenstra	Kraayenbrink	Sinclair
Brown	Garrett	Lofgren	Smith
Carlin	Greene	Quirnbach	Whitver
Chapman	Guth	Rozenboom	Zaun
Chelgren	Horn	Schneider	
Costello	Johnson, C.	Schultz	

Nays, 18:

Allen	Danielson	Jochum	Petersen
Bisignano	Dotzler	Kinney	Ragan
Bolkcom	Dvorsky	Lykam	Taylor
Boulton	Hart	Mathis	
Bowman	Hogg	McCoy	

Absent, 1:

Zumbach

Vacant, 1.

The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

Senator Whitver called up the appointment of Gretchen Tegeler as a member of the School Budget Review Committee, placed on the Individual Confirmation Calendar on April 4, 2018, found on page 889 of the Senate Journal.

Senator C. Johnson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 42:

Allen	Dawson	Jochum	Rozenboom
Behn	Dotzler	Johnson, C.	Schneider
Bertrand	Dvorsky	Johnson, D.	Schultz
Bowman	Edler	Kapucian	Segebart
Breitbach	Feenstra	Kinney	Shipley
Brown	Garrett	Kraayenbrink	Sinclair
Carlin	Greene	Lofgren	Smith
Chapman	Guth	Lykam	Whitver
Chelgren	Hart	Mathis	Zaun
Costello	Hogg	Quirmbach	
Danielson	Horn	Ragan	

Nays, 6:

Bisignano	Boulton	Petersen
Bolkcom	McCoy	Taylor

Absent, 1:

Zumbach

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

## ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 3:09 p.m. until 9:00 a.m., Thursday, April 12, 2018.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### AUDITOR OF STATE

Schedule of Expenditures of Federal Awards Independent Auditor's Report, pursuant to Iowa Code section 11.6. Report received on April 10, 2018.

#### DEPARTMENT OF MANAGEMENT

[Senate File 2117](#) Deappropriation Report, pursuant to [Senate File 2117](#), section 1. Report received on April 10, 2018.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Zachary Hodgson, Urbandale—For reaching the rank of Eagle Scout, Troop #96. Senator Bisignano.

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** Wednesday, April 11, 2018, 10:15 a.m.

**Members Present:** Whitver, Chair; Schneider, Vice Chair; Petersen, Ranking Member; Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith.

**Members Absent:** None.

**Committee Business:** Consideration of SRs 115, 116, and 117.

**Adjourned:** 10:20 a.m.



## INTRODUCTION OF RESOLUTIONS

[Senate Resolution 117](#), by Costello, a resolution for celebrating and recognizing the many accomplishments of Dr. Peggy Whitson.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 118](#), by Whitver, a resolution for deferring action on the confirmation of certain appointments submitted by the Governor.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## FINAL COMMITTEE REPORT OF BILL ACTION

### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 117](#), a resolution for celebrating and recognizing the many accomplishments of Dr. Peggy Whitson.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 11, 2018, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 192](#) – Relating to licenses to practice applied behavior analysis and including effective date and implementation provisions.

[Senate File 2165](#) – Concerning payments under the crime victim compensation program.

[Senate File 2175](#) – Relating to partition of property in kind and partition of property by sale.

[Senate File 2364](#) – Requiring school districts and accredited nonpublic schools to develop high-quality emergency operations plans for school buildings.

## AMENDMENTS FILED

<a href="#"><u>S-5235</u></a>	<a href="#"><u>H.F. 2442</u></a>	House
<a href="#"><u>S-5236</u></a>	<a href="#"><u>H.F. 2377</u></a>	Mark Costello
<a href="#"><u>S-5237</u></a>	<a href="#"><u>H.F. 2342</u></a>	Julian B. Garrett
<a href="#"><u>S-5238</u></a>	<a href="#"><u>H.F. 2480</u></a>	Liz Mathis
<a href="#"><u>S-5239</u></a>	<a href="#"><u>S.J.R. 2006</u></a>	House
<a href="#"><u>S-5240</u></a>	<a href="#"><u>S.F. 220</u></a>	Brad Zaun